

REMARKS/ARGUMENTS

Applicants respond herein to the Final Office Action dated August 29, 2007.

Applicants' attorneys appreciate the Examiner's continued thorough search and examination of the present patent application.

Claims 1-24 are pending in this application. Claims 5, 6, 9, 10, 18 and 19 have been withdrawn from consideration. Claims 1-3, 7, 8, 11-13, 16, 17 and 20-24 have been rejected. Claims 4, 14 and 15 have been objected to but would be allowable if rewritten in independent form.

Claims 1-3, 7-8, 11-13, 16, 17 and 20-24 have been rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,149,669 to Li ("Li"). Reconsideration and withdrawal of this rejection are respectfully requested.

Li is discussed in the first paragraph at page 4 of the specification as not being capable of "knotlessly securing the soft tissue to the tissue in which the anchor is secured." On page 4, lines 4-5, the present specification specifically distinguishes Li as being directed to a "button anchor" which utilizes a button or washer member secured to the anchor by suture to hold tissue in place." The button element 90 is illustrated in Figures 8, 9, and 10 of Li.

The independent claims of the present application recite "clamping of the at least one of the two suture portions" in the anchor, as in claim 1; in the suture retaining portion, as in claim 24; and "clamping of at least one of the two suture portions in the suture retaining portion" as in claim 23. As discussed above, Li does not teach, disclose, or suggest clamping of the suture in the suture anchor. The suture is tied off, not clamped. See column 7, lines 27-32.

Further, claim 23 recites "securing the suture forming the loop in the suture retaining portion" and claim 24 recites "securing the loop holding the second tissue to the suture anchor." Contrarily, Li does not teach securing of a suture to the suture anchor. Therefore, Li does not anticipate independent claims 1, 23, and 24.

Claims 2-3, 7-8, 11-13, 16, 17 and 20-22 depend directly or indirectly from above discussed independent claim 1 and are, therefore, allowable for the same reasons, as well as because of the combination of features in those claims with the features set forth in independent claim 1.

Allowed claims 4 and 14 have been placed into independent form. The Examiner is

thanked for the finding of patentable subject matter.

In view of the above, it is submitted that all claims in this application are now in condition for allowance, prompt notification of which is requested.

THIS CORRESPONDENCE IS BEING
SUBMITTED ELECTRONICALLY THROUGH
THE PATENT AND TRADEMARK OFFICE EFS
FILING SYSTEM ON NOVEMBER 29, 2007.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Louis C. Dujmich', is written over a horizontal line.

Louis C. Dujmich

Registration No.: 30,625

OSTROLENK, FABER, GERB & SOFFEN, LLP

1180 Avenue of the Americas

New York, New York 10036-8403

Telephone: (212) 382-0700

LCD:JK:ck/jh